

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, FEBRUARY 19, 2015

1. **HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:**

None

HEARINGS TO BE HELD AT THE OFFICES OF THE PUBLIC UTILITIES COMMISSION, WALKER BUILDING, 21 SOUTH FRUIT STREET, CONCORD, NH:

February 19, 2015 @ 10:30 a.m.:

- a. Pacific Fusion Restaurant, 356 D.W. Highway, Merrimack, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1442203 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: July 26, 2014.
Case #: 14-265-OF.
CASE SETTLED AT PRE-HEARING CONFERENCE; RESULT WILL BE ON 2/26/15 AGENDA.

February 19, 2015 @ 10:30 a.m.:

- b. Singin' Bowl, 10 Bridge Street #4, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #401606 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Date of violation: February 6, 2014.
Case #: 14-42-OF.
LICENSEE REQUESTED AND WAS GRANTED A MOTION TO CONTINUE.

February 19, 2015 @ 11:30 a.m.:

- c. Rack's Bar & Grill, 20 Plaistow Road, Plaistow, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1465103 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated with 1 fatality.
Date of violation: October 5, 2013.
Case #: 13-314-OF.
CANCELED; BUSINESS SOLD; LICENSE PUT OUT OF BUSINESS.

March 19, 2015 @ 10:30 a.m.:

- d. Zaboo, 24 Depot Street, Manchester, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1494103 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests – 2 counts.
Dates of violations: October 31, 2014, September 6, 2014 & January 9, 2015.
Case #: 14-413-OF, 14-338-OF & 15-24-OF.
THE LICENSEE FILED A MOTION TO CONTINUE WHICH WAS GRANTED IN PART; NEW DATE TO BE DETERMINED.
SETTLEMENT PENDING.
HEARING REQUESTED BY LICENSEE.

Date to be determined:

- e. Jade Palace, 28 Portsmouth Avenue, Stratham, NH.
Restaurant Full Service With Lounge License #1476403 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests.
Date of violations: March 6, 2014.
Case #: 14-90-OF.
THE DIVISION OF ENFORCEMENT REQUESTED AND WAS GRANTED A MOTION TO CONTINUE.

April 16, 2015 @ 9:30 a.m.:

- f. Boston Billiard Club, 55 Northeaster Blvd., Nashua, NH.
Sports Entertainment License #6012305 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Dates of violations: July 18, 2014 & October 31, 2014.
Case #: 14-255-OF & 14-410-OF.

April 16, 2015 @ 1:00 p.m.:

- g. Arena Sports Bar & Nightclub, 53 High Street, Nashua, NH.
Restaurant Full Service With Lounge License #1453303 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: February 1 - 2, 2013.
Case #: 14-116-OF.
LICENSEE FILED A MOTION TO CONTINUE; DECISION PENDING.
MOTION GRANTED.

Date to be determined:

- h. Club 550, 2025 White Mountain Highway, North Conway, NH.
Sports Entertainment License #2503005 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Date of violations: May 25, 2014.
Case #: 14-170-OF.
THE LICENSEE REQUESTED AND WAS GRANTED A CONTINUANCE.

Date to be determined:

- i. Club Social, 240 Main Dunstable Road, Nashua, NH.
Social Club License #16501 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises – 3 counts.
Dates of violations: July 18, 2013 – the present & May 3, 2014.
Case #: 14-91-OF & 14-170-OF.

THE DIVISION OF ENFORCEMENT REQUESTED AND WAS GRANTED A MOTION TO CONTINUE. LICENSE IS IN SAFEKEEPING.

2. NOTIFICATION OF DISCIPLINARY ACTION:

- a. Foresters' Club Of Newport, 38 Maple Street, Newport, NH.
Social Club License #16201 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:19, VI/RSA 647:2 – allowed gambling and wagering on the premises.
Date of violation: July 11, 2014.
Case #: 14-269-OF.
\$500 administrative fine, four (4) points assessed to the license and the license to sell alcohol suspended for three (3) days held in abeyance for twelve (12) months pending no like violation.
COMMISSION ACKNOWLEDGED.
- b. Goat Bar & Grill, 20 L Street, Hampton, NH.
Seasonal Restaurant On-Premise Beverage/Wine/Liquor License #1490303 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Date of violations: July 12, 2014.
Case #: 14-250-OF.
\$1,000 administrative fine with \$500 suspended for twelve (12) months pending no like violation, four (4) points shall be assessed to the liquor license and the license to sell alcohol shall be suspended for four (4) days with two (2) days held in abeyance for twelve (12) months pending no like violation commencing April 24, 2015 with re-grant on April 26, 2015.
COMMISSION ACKNOWLEDGED.
- c. Victory Lanes Bowling & Sports Bar, 9 Central Street, Woodsville, NH.
Sports Entertainment License #6014105 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise – 2 counts.
Dates of violations: January 17, 2014, February 21 – 22, 2014 & April 19, 2014.
Case #s: 14-246-OF, 14-248-OF & 14-227-OF.
DOE FILED A MOTION TO CONTINUE; GRANTED.
For violation of RSA 179:5, I, an administrative fine of \$500 suspended for twelve (12) months pending no like violation, four (4) points shall be assessed to the liquor license and the license to sell alcohol shall be suspended for six (6) days commencing March 4, 2015 with re-grant on March 10, 2015; for violation of RSA 179:51, an administrative fine of \$500 suspended for twelve (12) months pending no like violation.
COMMISSION ACKNOWLEDGED.

3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. Dutch Treat Restaurant, 317 Main Street, Franconia, NH.
Restaurant Full Service With Lounge License #235003 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:19, VI/RSA 647:2 – allowed gambling and wagering on the premises.
Date of violation: December 13, 2014.
Case #: 14-451-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.

- b. Fury's Publike House, 1 Washington Street, Dover, NH.
Restaurant Full Service With Lounge License #1394003 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violations: November 29, 2014.
Case #: 14-456-OF.
\$500 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- c. International Wine Markets, 1323 Bond Street #179, Naperville, IL.
Direct Shipper Permit #8074233 licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, II/1105.01 – failed to clearly mark package “Alcoholic Beverage Adult Signature (Over 21 Years Of Age) Required”.
Date of violation: January 29, 2015.
Case #: 15-30-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- d. Southern Wine & Spirits, 78 Regional Driver, Concord, NH.
Liquor/Wine Representative License #600835 licensed pursuant to RSA 178:10.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Date of violation: December 19, 2014.
Case #: 14-461-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

PRIOR TO APPROVAL OF ITEMS IN THIS SECTION, DIRECTOR WILSON REQUESTED THAT ITEM #15 BE TAKEN OFF THE TABLE AND MOVED TO THIS SECTION FOR APPROVAL.

- a. 1826 LLC (The) DBA Tamworth Lyceum, 85 Main Street, Tamworth, NH 03886.
To be issued Conditional Combination License: Combination Beverage/Wine/Tobacco License #3272947 and Restaurant Beverage/Wine License #1502003 pursuant to RSA 178:17-a.
30 Day Temporary issued on Restaurant License #1502003: 2/17/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Booster Club, Bow Old Town Hall, 91 Bow Center Road, Bow, NH 03304.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:22, V(I).
Event date: 3/25/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Choice Cuts Butcher Shop & More LLC, 707 Milford Road, Merrimack, NH 03054.
To be issued Retail Wine License #3159246 pursuant to RSA 178:19.
30 Day Temporary License issued: 2/17/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. Leclair Entertainment LLC DBA Racks Pub and Grub, 20 Plaistow Road, Plaistow, NH 03865.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1496803 pursuant to RSA 178:21.
30 Day Temporary License issued: 2/17/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- e. Market 69, Inc. DBA Johnsons Marketplace of New Durham, 69 Route 11-A, New Durham, NH 03855.
To be issued Combination Off-Premise Beverage and Wine License #3326147 pursuant to RSA 178:18.
30 Day Temporary License issued: 2/10/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- f. Penguin Market 3 LLC, 916 Laconia Road, Belmont, NH 03220.
To be issued Combination Off-Premise Beverage and Wine License #3323947 pursuant to RSA 178:18.
30 Day Temporary License issued: 2/13/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- g. Route 11 Restaurant, Inc. DBA Johnsons Seafood & Steak of New Durham, 69 Route 11-B, New Durham, NH 03855.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1501803 pursuant to RSA 178:21.
30 Day Temporary License issued: 2/10/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- h. Roman Catholic Bishop of Manchester, St. Benedict Academy Gym, 85 Third Street, Manchester, NH 03102.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:22, V(l).
Event date: 3/7/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- i. RMZ Travel Center LLC, 137 Rockingham Road, Londonderry, NH 03053.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3324747 pursuant to RSA 178:18.
30 Day Temporary License issued: 2/6/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- j. White Birch Catering and Banquet Hall (The) LLC, 10 Spruce Street, Nashua, NH 03060.
To be issued Retail Tobacco, Tobacco Only License #133817 pursuant to RSA 178:19-a.
30 Day Temporary License issued: 2/12/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

5. **LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

6. **SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:**

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING FEBRUARY 17, 2015: 1,111

- a. Campari America LLC, 1255 Battery Street, Suite 500, San Francisco, CA 94111.
To be issued Liquor and Wine Vendor License #112745 pursuant to RSA 178:9.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. Disaronno International LLC, 80 Cottontail Lane, Suite 450, Somerset, NJ 08873.
To be issued Liquor and Wine Vendor License #112645 pursuant to RSA 178:9.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

- c. Griffin Vineyards LLC DBA Malk Family Vineyards, 5850 Silverado Trail, Napa, CA 94558.
Direct Shipper Permit pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- d. MHW LTD, 1129 Northern Blvd., Suite 312, Manhasset, NY 11030.
To be issued Beverage Vendor License #73031 pursuant to RSA 178:15.
Manufacturer: Badische Stoats Braverei, Rothaus, AG.
30 Day Temporary License issued: 2/6/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

7. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

9. NOTIFICATION OF APPROVED PETITIONS:

- a. Hospitality Resources, Inc. DBA Bedford Village Inn & Rest.
2 Olde Bedford Way, Bedford, NH 03110.
Hotel On-Premise Cocktail Lounge License #349602 licensed pursuant to RSA 178:22, V(k).
Requested exception to RSA 178:27, III, to wit, for authorization to purchase wine from Direct Shipper, Turley Wine Cellars, Inc., 3358 St. Helena Highway, St. Helena, CA 94574,
Permit #8003233 pursuant to RSA 179:32, III.
COMMISSION ACKNOWLEDGED.
- b. Hospitality Resources, Inc. DBA Bedford Village Inn & Rest.
2 Olde Bedford Way, Bedford, NH 03110.
Hotel On-Premise Cocktail Lounge License #349602 licensed pursuant to RSA 178:22, V(k).
Requested exception to RSA 178:27, III, to wit, for authorization to purchase wine from Direct Shipper, Screaming Eagle Partners LLC DBA Screaming Eagle Brewery, 7557 Silverado Trail, Napa, CA, 94558, Permit #8089633, pursuant to RSA 179:32, III.
COMMISSION ACKNOWLEDGED.
- c. Penguin Market 3 LLC, 916 Laconia Road, Belmont, NH 03220.
Combination Off-Premise Beverage/Wine/Tobacco License #3323947
licensed pursuant to RSA 178:18.
Date petition received: 2/13/2015.
Requested a waiver leasing/access to part of business, to wit, to allow lease space to Dunkin Donuts inside the store pursuant to RSA 179:48, IV.
COMMISSION ACKNOWLEDGED.

10. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

Legends Billiards and Tavern, 80 Hanover Street, Portsmouth, NH.
Sports Entertainment License #2500705 licensed pursuant to RSA 178:22, V(u)(1).
Requested approval for a Felon Exception for Jason Trottier as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 14-353-OF.
COMMISSION ACKNOWLEDGED.

11. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

12. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

13. NOTIFICATION OF COMPLIANCE CHECKS:

None

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Gary Then DBA El Supremo Market & Restaurant, 519 Armory Street, Manchester, NH 03102.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3326247
pursuant to RSA 178:18.

Recommendation: To be discussed.

DIRECTOR WILSON RECOMMENDED THAT THIS ITEM; BE TABLED; DEPUTY COMMISSION MILLIGAN
MOVED TO TABLE; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

**THIS ITEM WAS TAKEN OFF THE TABLE AT THE REQUEST OF DIRECTOR WILSON AND MOVED TO
SECTION #4K; DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN
MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

Salem Animal Rescue League, Knights of Columbus Hall, 37 Main Street, Salem, NH 03079.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor
License pursuant to RSA 178:22, V(l).

Event date: 2/14/2015.

Recommendation: Expedited approval.

Commission approved on 2/5/2015.

COMMISSION ACKNOWLEDGED.